

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 19, 2008

D052229 People v. Nelson

The judgment is affirmed. Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D052230 In re A.U., a Juvenile

The appeal is dismissed. Irion, J.; We Concur: McConnell, P.J., O'Rourke, J.

D050537 People v. Ward

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

D048929 People v. Garibay

The matter is remanded for resentencing. In all other respects the judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., Haller, J.

D050224 People v. Figueroa

Affirmed. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D051953 In re Alejandro S., a Juvenile

The orders are affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Haller, J.

D051781 People v. Diparra

The judgment is affirmed. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.

D051182 People v. Butler

The judgment is affirmed. McDonald, J.; We Concur: McConnell, P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 20, 2008

D050964 Figiel v. Hyundai Motor America

The order is reversed and the matter is remanded with directions to the superior court to (1) file forthwith the trial cost bill, as in the form delivered to it on December 27, (2) give immediate notice to the parties of the date of such filing, and (3) conduct further proceedings, if any, relating to the propriety of the costs claimed therein. Hyundai is entitled to recover its costs on appeal. McIntrye, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D051626 In re Marriage of Surposa

We reverse the trial court's order awarding child support. Upon remand, the trial court shall allow any appropriate further proceedings to enable it to recalculate the child support award in light of the current circumstances of the parties. Absent any supporting evidence, this award shall not include a hardship deduction for a nonadopted stepchild, and shall not include new mate income unless the required preliminary findings are justifiably made under section 4057.5. Appellant is awarded costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

D052295 In re Leticia M., a Juvenile

The appeal is dismissed. Aaron, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

D051269 People v. Lopez

The prior prison term enhancement is stricken. The trial court is directed to amend the abstract of judgment accordingly and forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. The judgment, as so modified, is affirmed. Nares, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

D050482 Avila v. Department of Motor Vehicles

The petition for rehearing is denied.

D052540 In re Eugene T. et al., Juveniles

The appeal is dismissed.

D050405 Moreno et al. v. City of Imperial Beach

The petition for rehearing is denied.

D053042 Neldaughter v. The Superior Court of San Diego County/County of San Diego

The petition is denied.

D052549 In re King on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 20, 2008 (Continued)

D052616 In re Bernard on Habeas Corpus

The petition is denied.

D052925 Carson v. Superior Court of San Diego County/People

The petition is denied.

D052563 In re Summersville on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 21, 2008

**D051900 Uybungco v. The Superior Court of San Diego County/San Diego Police
Department**

Let a writ of mandate issue directing the superior court to vacate its ruling of September 21, 2007, and conduct an in camera review of the four officers' personnel files as specified in this opinion. The stay issued by this court on February 28, 2008, is vacated. Each party to bear its own costs. This opinion will be final as to this court within seven days of filing. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

D051282 In re Milton R., a Juvenile

The order is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D050558 People v. Perez

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Huffman, J.

D052657 In re Mitchell on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 22, 2008

D052849 Joshua D. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Tasha D. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Tasha D. is dismissed.

D051445 Darnell & Scrivner Architecture, Inc. v. The Meadows Del Mar HOA

The order is affirmed. Respondent shall recover its costs on appeal. O'Rourke, J.;
We Concur: Benke, Acting P.J., Huffman, J.

D050155 People v. Diccio

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D051923 In re Byron C., a Juvenile

The order is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 23, 2008

D050194 People v. Carter

The judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D050570 People v. Bertaux

The judgment is affirmed. Nares, Acting P.J.; We Concur: Aaron, J., Irion, J.

D050709 People v. Olson

The judgment of conviction of petty theft with a prior conviction is reversed. The judgment is in all other respects affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

D051136 In re Marriage of Nusbaum

The judgment is affirmed. Glenn shall recover his costs on appeal. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D050357 People v. Rendon

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D049578 People v. Harris

The judgment is affirmed. McConnell, P.J.; I Concur: Nares, J.; Concurring and Dissenting (opinion) Aaron, J.

D051005 In re Blair on Habeas Corpus

The petition is denied. Haller, J.; We Concur: Huffman, Acting P.J., Irion, J.

D052296 In re Mason R., a Juvenile

The appeal is dismissed. McConnell, P.J.; We Concur: O'Rourke, J., Aaron, J.

D052702 In re Elliott on Habeas Corpus

The petition is denied.

D051046 In re Adrian A., a Juvenile

The judgments are affirmed. Huffman, J.; I Concur: McConnell, P.J., I respectfully dissent (by opinion): McIntyre, J.

D053068 Swain v. Superior Court of San Diego County/People

The petition is denied.

D052598 In re Humiston on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 23, 2008 (Continued)

D052945 Sanders v. Superior Court of San Diego County/Ryan
The petition and motion for stay are dismissed.

D052643 In re Paugh on Habeas Corpus
The petition is denied.

D053055 In re Smith on Habeas Corpus.
The petition is denied.